

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 515

Introduced by Bromm, 23; Byars, 30; Jones, 43; Schellpeper, 18;
Schmitt, 41; Stuhr, 24

Read first time January 15, 1999

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to redistricting; to define terms; to create an
- 2 advisory commission; to provide procedures for drawing
- 3 legislative and congressional districts; and to provide
- 4 powers and duties.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of this act:

2 (1) Commission means the temporary redistricting advisory
3 commission established pursuant to section 2 of this act;

4 (2) Committee means the Government, Military and Veterans
5 Affairs Committee of the Legislature; and

6 (3) Director means the Director of Research of the
7 Legislature or any employee designated by the director.

8 Sec. 2. (1) Not later than February 1 following the year
9 in which the United States Government takes the federal decennial
10 census, a temporary redistricting advisory commission of seven
11 members shall be established as provided by this section. The
12 commission's only duties shall be those prescribed in sections 3
13 and 4 of this act. The Executive Board of the Legislative Council
14 shall appoint the members of the commission at any time after the
15 executive board has been elected for the legislative session in the
16 year following the year in which the United States Government takes
17 the federal decennial census. The membership shall include one
18 person who is affiliated with the Republican Party from each
19 congressional district, one person who is affiliated with the
20 Democratic Party from each congressional district, and one person
21 who is not affiliated with a political party.

22 (2) At the first meeting of the commission, the members
23 shall select from among themselves by majority vote one member to
24 serve as chairperson of the commission.

25 (3) A vacancy on the commission shall be filled in the
26 same manner as the original appointment within fifteen days after
27 the vacancy occurs.

28 (4) Members of the commission shall be reimbursed for

1 their actual and necessary expenses as provided in sections 81-1174
2 to 81-1177. The expenses shall be included in the budget of the
3 Legislature.

4 (5) A person may be appointed to the commission if at the
5 time of selection he or she:

6 (a) Is registered to vote in Nebraska and has been
7 registered to vote in Nebraska for at least one year;

8 (b) Holds no elective or appointive office in the
9 executive branch, in the legislative branch, or in an independent
10 establishment of the United States Government; in the executive or
11 legislative branch of the government of this state; or in a
12 political subdivision of this state;

13 (c) Holds no office in the national or state organization
14 of a political party;

15 (d) Is not a relative of nor is employed by a member of
16 the Legislature or the United States Congress; and

17 (e) Is not employed directly by the Legislature or the
18 United States Congress.

19 (6) For purposes of this section, relative means a
20 spouse, parent, grandparent, stepparent, biological child,
21 stepchild, adopted child, grandchild, brother, sister, stepbrother,
22 stepsister, half brother, half sister, aunt, uncle, first cousin,
23 nephew, niece, or spouse of any such relative.

24 Sec. 3. (1) The director shall acquire appropriate
25 information, shall review and evaluate available facilities, and
26 shall develop programs and procedures in preparation for drawing
27 congressional and legislative district boundaries on the basis of
28 each federal decennial census. Funds shall be expended for the

1 purchase or lease of equipment and materials only with prior
2 approval of the Executive Board of the Legislative Council.

3 (2) By December 31 of the year in which the United States
4 Government takes the federal decennial census, the director shall
5 obtain from the United States Bureau of the Census information
6 regarding geographic and political units in this state for which
7 federal census population data has been gathered and will be
8 tabulated. The director shall use the data to:

9 (a) Prepare necessary descriptions of geographic and
10 political units for which census data will be reported and which
11 are suitable for use as components of legislative districts; and

12 (b) Prepare maps which may be used to illustrate the
13 locations of legislative district boundaries proposed in plans
14 drawn in accordance with section 6 of this act.

15 (3) As soon as possible after January 1 following the
16 year in which the United States Government takes the federal
17 decennial census, the director shall obtain from the United States
18 Bureau of the Census the population data needed for redrawing
19 legislative district boundaries which the bureau is required to
20 provide to the state under 13 U.S.C. 141 and shall use that data to
21 assign a population figure based upon certified federal census data
22 to each geographic or political unit described pursuant to
23 subdivision (2)(a) of this section. Upon completion, the director
24 shall begin the preparation of plans for drawing congressional and
25 legislative district boundaries.

26 (4) If the director is confronted with the necessity to
27 make any decision for which no clearly applicable guideline is
28 provided by section 6 of this act in preparation of a plan, the

1 director may submit a written request for direction to the
2 commission.

3 (5) Prior to delivering any plan and the legislative bill
4 embodying the plan to the committee, the director shall provide to
5 persons outside his or her office and the office of the Revisor of
6 Statutes only such information regarding the plan as may be
7 required by policies agreed upon by the commission. This
8 subsection does not apply to population data furnished to the
9 director by the United States Bureau of the Census.

10 Sec. 4. (1) Upon delivery by the director to the
11 committee of a legislative bill embodying the plan, the commission
12 shall at the earliest feasible time make available to the public:

13 (a) Copies of the bill;

14 (b) Maps illustrating the plan;

15 (c) A summary of the standards prescribed by section 6 of
16 this act for the development of the plan; and

17 (d) A statement of the population of each district
18 included in the plan and the relative deviation of each district
19 population from the ideal district population.

20 (2) Upon delivery by the director to the committee of the
21 legislative bill embodying the plan, the commission shall, as
22 expeditiously as possible, schedule and conduct at least one public
23 hearing on the plan in each congressional district. Following the
24 hearings, the commission shall promptly prepare and submit to the
25 committee a report summarizing information and testimony received
26 by the commission in the course of the hearings. The commission's
27 report shall include any comments and conclusions which its members
28 deem appropriate on the information and testimony received at the

1 hearings or otherwise presented to the commission. The
2 commission's report shall be presented to the committee at the
3 committee's public hearing on the legislative bill.

4 Sec. 5. Not later than April 21 in the year following
5 the year in which the United States Government takes the federal
6 decennial census or thirty days after the census data is provided
7 to the director in such year, whichever is earlier, the director
8 shall deliver proposed legislative bills embodying the plans for
9 drawing congressional and legislative district boundaries to the
10 committee. The bills shall be introduced by the committee. The
11 committee shall hold a public hearing on the bills at which the
12 report of the commission required by section 4 of this act shall be
13 presented. If population data from the federal decennial census
14 which is sufficient to permit preparation of a plan to draw
15 congressional districts becomes available at an earlier time than
16 the population data needed to permit preparation of a plan to draw
17 legislative districts in accordance with section 6 of this act, the
18 director shall so inform the committee, and if the committee so
19 directs, the director shall prepare a separate plan establishing
20 congressional districts and submit a legislative bill embodying
21 such plan separately from the legislative bill establishing
22 legislative districts.

23 Sec. 6. (1)(a) Legislative and congressional districts
24 shall be established on the basis of population.

25 (b) Legislative districts shall have a population as
26 nearly equal as practicable to the ideal population for such
27 districts determined by dividing the number of districts to be
28 established into the population of the state reported in the

1 federal decennial census. Legislative districts shall not vary in
2 population from the ideal district populations except as necessary
3 to comply with one of the other standards enumerated in this
4 section. The quotient, obtained by dividing the total of the
5 absolute values of the deviations of all district populations from
6 the ideal district population by the number of districts
7 established, shall not exceed one percent of the applicable ideal
8 district population. No legislative district shall have a
9 population which exceeds that of any other district by more than
10 eight percent.

11 (c) Congressional districts shall each have a population
12 as nearly equal as practicable to the ideal district population
13 determined by dividing the number of districts to be established
14 into the population of the state reported in the federal decennial
15 census. No congressional district shall have a population which
16 varies by more than one percent from the ideal district population.

17 (2) To the greatest extent possible, consistent with
18 subsection (1) of this section, district boundaries shall coincide
19 with the boundaries of political subdivisions of the state. The
20 number of counties and cities divided among more than one district
21 shall be as small as possible. When there is a choice between
22 dividing local political subdivisions, the more populous
23 subdivisions shall be divided before the less populous except when
24 a congressional or legislative district boundary is drawn along a
25 county line which passes through a city or village that lies in
26 more than one county.

27 (3) Districts shall be composed of practical, contiguous
28 territory. Areas which meet only at the points of adjoining

1 corners shall not be deemed contiguous.

2 (4)(a) It is the intent of the Legislature that districts
3 be compact in form, but the standards established by subsections
4 (1), (2), and (3) of this section shall take precedence over
5 compactness when a conflict arises between compactness and such
6 standards. In general, compact districts shall conform to natural
7 or political boundaries. When it is necessary to compare the
8 relative compactness of two or more districts or two or more
9 alternative plans, the tests prescribed by subdivisions (c) and (d)
10 of this subsection shall be used. If the results of such tests are
11 contradictory, the standard in subdivision (c) of this subsection
12 shall be given greater weight than the standard in subdivision (d)
13 of this subsection.

14 (b) For purposes of this subsection:

15 (i) Population data unit means an election precinct, a
16 census enumeration district, a census city block group, or any
17 other unit of territory having clearly identified geographic
18 boundaries and for which a total population figure is included in
19 or can be derived directly from certified federal census data;

20 (ii) The geographic unit center of a population data unit
21 means that point approximately equidistant from the northern and
22 southern extremities, and also approximately equidistant from the
23 eastern and western extremities, of a population data unit. This
24 point is determined by visual observation of a map of the
25 population data unit unless it is otherwise determined within the
26 context of an appropriate coordinate system developed by the United
27 States Government or another qualified and objective source and
28 obtained for use in this state with prior approval of the Executive

1 Board of the Legislative Council;

2 (iii) The "x" coordinate of a point in this state means
3 the relative location of that point along the east-west axis of the
4 state. Unless otherwise measured within the context of an
5 appropriate coordinate system obtained for use as permitted in
6 subdivision (b)(ii) of this subsection, the "x" coordinate is
7 measured along a line drawn due east from the western-most boundary
8 of the state or the southward extension of that boundary, to the
9 point to be located; and

10 (iv) The "y" coordinate of a point in this state means
11 the relative location of that point along the north-south axis of
12 the state. Unless otherwise measured within the context of an
13 appropriate coordinate system obtained for use as permitted in
14 subdivision (b)(ii) of this subsection, the "y" coordinate is
15 measured along a line drawn due south from the northern boundary of
16 the state or the eastward extension of that boundary, to the point
17 to be located.

18 (c)(i) The compactness of a district shall be greatest
19 when the length of the district and the width of the district are
20 equal. The measure of a district's compactness shall be the
21 absolute value of the difference between the length and the width
22 of the district.

23 (ii) In measuring the length and the width of a district
24 by means of electronic data processing, the difference between the
25 "x" coordinates of the easternmost and the westernmost geographic
26 unit centers included in the district shall be compared to the
27 difference between the "y" coordinates of the northernmost and the
28 southernmost geographic unit centers included in the district.

1 (iii) To determine the length and width of a district by
2 manual measurement, the distance from the northernmost point or
3 portion of the boundary of a district to the southernmost point or
4 portion of the boundary of the same district shall each be
5 measured. If the northernmost or southernmost portion of the
6 boundary or each of such points is a part of the boundary running
7 due east and west, the line used to make the measurement required
8 by this subdivision shall either be drawn due north and south or as
9 nearly so as the configuration of the district permits. If the
10 easternmost or westernmost portion of the boundary or each of such
11 points is a part of the boundary running due north and south, a
12 similar procedure shall be followed. The lines to be measured for
13 the purpose of this subdivision shall each be drawn as required by
14 this subdivision even if some part of either or both lines lies
15 outside the boundaries of the district which is being tested for
16 compactness.

17 (iv) The absolute values computed for individual
18 districts under this subdivision may be cumulated for all districts
19 in a plan in order to compare the overall compactness of two or
20 more alternative plans for the state or for a portion of the state.
21 It shall not be valid to cumulate or compare absolute values
22 computed under subdivision (ii) of this subdivision with those
23 computed under subdivision (iii) of this subdivision.

24 (d)(i) The compactness of a district shall be greatest
25 when the ratio of the dispersion of population about the population
26 center of the district to the dispersion of population about the
27 geographic center of the district is one to one, the nature of this
28 ratio being such that it is always greater than zero and can never

1 be greater than one to one.

2 (ii) The dispersion of population about the population
3 center of a district and about the geographic center of a district
4 is computed as the sum of the products of the population of each
5 population data unit included in the district multiplied by the
6 square of the distance from that geographic unit center to the
7 population center or the geographic center of the district, as the
8 case may be. The geographic center of the district is defined by
9 averaging the locations of all geographic unit centers which are
10 included in the district. The population center of the district is
11 defined by computing the population-weighted average of the "x"
12 coordinates and "y" coordinates of each geographic unit center
13 assigned to the district, assuming for the purpose of this
14 calculation that each population data unit possesses uniform
15 density of population.

16 (iii) The ratios computed for a district under this
17 subdivision may be averaged for all districts in a plan in order to
18 compare the overall compactness of two or more alternative plans
19 for the state or for a portion of the state.

20 (5) No district shall be drawn for the purpose of
21 favoring a political party, an incumbent legislator or member of
22 Congress, or any other person or group or which results in the
23 augmentation or dilution of the voting strength of a language or
24 racial minority group. In establishing districts, no use shall be
25 made of any of the following data:

26 (a) Addresses of incumbent legislators or members of
27 Congress;

28 (b) Political affiliations of registered voters;

1 (c) Previous election results; and

2 (d) Demographic information, other than population head
3 counts, except as required by the laws and Constitution of the
4 United States.

5 (6) The legislative bill embodying the plan for
6 legislative districts shall specify the date on which it is to
7 become operative and when necessary specify the newly established
8 district which each member shall represent for the remainder of his
9 or her term.